



# UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/989,271	11/20/2001	Michael C. Smyk	FCI-2632/C3069	9590
7590	11/01/2004		EXAMINER HARVEY, JAMES R	
Andrew J. Hagerty Woodcock Washburn LLP 46th Floor One Liberty Place Philadelphia, PA 19103			ART UNIT 2833	PAPER NUMBER
DATE MAILED: 11/01/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/989,271

**Applicant(s)**

SMYK, MICHAEL C.

**Examiner**

James R. Harvey

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 45-54 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 45-54 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***DETAILED ACTION***

***Claim Rejections - 35 USC § 102***

- The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**\*\* Claim(s) 45-54 are rejected under 35 U.S.C. 102(b) as being anticipated by Foreign Patent EP 0 893 850 A2( herein after referred to as FP 850' ).**

**-- In reference to Claim(s) 45, FP 850' shows (figure 3 )**

a contact section for mating with a complementary male terminal, the contact section including a bottom wall 13;

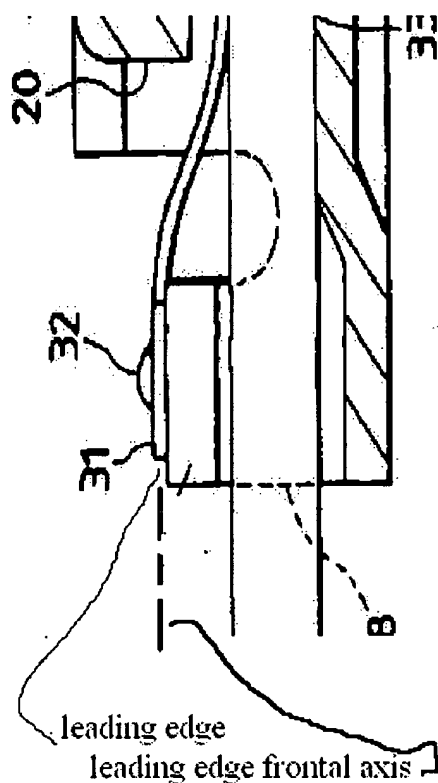
a first set of sidewalls 18 that define a first tubular portion with the bottom wall; and a second set of sidewalls 14, which are longer than the first set of sidewalls, that define a second tubular portion with the bottom wall, the second tubular portion arranged end to end with the first tubular portion; and

a flexible contact element 10 at least partially disposed within the contact section in a non-fixedly secured manner ( column 5, lines 33-37 ) for urging a complementary male terminal into engagement with the bottom wall.

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-- In reference to Claim(s) 46, FP 850' shows (figure 3 ) the flexible contact element includes a leading edge (near the lead line of numeral 31 ) that is positioned outside of the contact section.

-- In reference to Claim(s) 47, FP 850' shows (cover sheet) the flexible contact element includes a leading edge (see examiner's figure), and wherein the female electrical terminal is devoid of any structure prohibiting frontal access to the flexible contact element leading edge (see examiner's figure).



-- In reference to Claim(s) 48, FP 850' shows (cover sheet)

a contact section for mating with a complementary male terminal, the contact section

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including a first tubular portion comprising a first set of sidewalls; and

a second tubular portion comprising a second set of sidewalls and being arranged end to end with the first tubular portion;

a geometrically central axes of the first and second tubular portions are misaligned; and

a flexible contact element at least partially disposed within the contact section in a non-fixedly secured manner ( column 5, lines 33-37 ) for urging a complementary male terminal into engagement with the bottom wall.

-- In reference to Claim(s) 49, FP 850' shows (cover sheet) the flexible contact element includes a leading edge that resides outside of the contact section.

-- In reference to Claim(s) 50 and 53, FP 850' shows (cover sheet) the flexible contact element includes a leading edge (see examiner's figure), and wherein the female electrical terminal is devoid of any structure prohibiting frontal access to the flexible contact element leading edge.

-- In reference to Claim(s) 51, FP 850' shows (cover sheet and (figure 3) an opening (near the lead line of numeral 20 ) is defined at an interface between the first tubular portion and the second tubular portion; and

a portion of the flexible contact element extends into the opening.

-- In reference to Claim(s) 52, FP 850' shows

a contact section for mating with a complementary male terminal, the contact section including a first tubular portion comprising a first set of sidewalls; and

a second tubular portion comprising a second set of sidewalls and being arranged end to end with the first tubular portion;

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the first tubular portion has an effective cross-sectional area that is a different size than that of the second tubular portion; and

a flexible contact element at least partially disposed within the contact section in a non-fixedly secured manner ( column 5, lines 33-37 ) for urging a complementary male terminal into engagement with the bottom wall.

-- In reference to Claim(s) 53, it is addressed above with claim 50.

-- In reference to Claim(s) 54, FP 850' shows (cover sheet)

a contact section including a set of converging sidewalls that define an insertion pathway for a complementary male terminal, the insertion pathway having a cross-sectional area that is smaller than a tubular portion that is proximate the set of converging sidewalls; and

a flexible contact element partially disposed within the contact section in a non-fixedly secured manner ( column 5, lines 33-37 ) for urging a complementary male terminal into engagement with a contact section bottom wall;

wherein the female electrical terminal is devoid of any structure prohibiting frontal access to the flexible contact element leading edge.

### ***Response to Arguments***

-- In response to applicant's argument (page 6, line 7 ) concerning that EP 850' does not teach that the flexible contact element 30 is attached to the terminal body 11 in a *non-fixedly secured manner*, the examiner disagrees. EP 850' teaches ( column 5, line 36 ) that the spring member 30 "may be detachably mounted" on the terminal body 11. This teaching is seen to anticipate the

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newly amended claim language of *non-fixedly secured* because the ability of the spring member 30 to be detached makes it not fixedly secured to the terminal.

***Conclusion***

- Effective May 1, 2003, the United States Patent and Trademark Office has a new Commissioner for Patents address. Correspondence in patent related matters must now be addressed to:

**Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450**

For additional information regarding the new address, see Correspondence with the United States Patent and Trademark Office, 68 Fed. Reg. 14332 (March 25, 2003).

- Applicant's amendment necessitated the new ground(s) of rejection to address the new claim language and the rejection is presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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- Any inquiry concerning this communication or earlier communications from the examiner should be directed to James R. Harvey whose telephone number is 571-272-2007. The examiner can normally be reached on 8:00 A.M. To 5:00 P.M.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paula A. Bradley can be reached on 571-272-2800 extension 33.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2800.

- Effective **October 1, 2003**, all patent application related correspondence transmitted by facsimile must be directed to the central facsimile number, **(703) 872-9306**, with a few exceptions *See Fax Automation in Technology Center 1700, 1237 Off. Gaz. Pat. Office 140* (August 29, 2000). Replies to Office actions including after-final amendments that are transmitted by facsimile must be directed to the central facsimile number. Unofficial correspondence such as draft proposed amendments for interviews may continue to be transmitted by facsimile to the Technology Centers. *See Fax Automation in Technology Center 1700, 1237 Off. Gaz. Pat. Office 140* (August 29, 2000).

James R. Harvey, Examiner

jrh  
October 26, 2004



**ROSS GUSHI**  
**PRIMARY EXAMINER**